

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CHARLES SANDERSON, III, INDIVIDUALLY,)
AND AS TRUSTEE OF THE BOSTON HILL)
REALTY TRUST,)

Plaintiffs,)

v.)

DAVID G. MASSAD, PAMELA MASSAD,)
COMMERCE BANK AND TRUST COMPANY,)
GEMSTONE INVESTMENT CO., INC.)

Defendants,)

v.)

CHARLES SANDERSON, III, CHARLES)
SANDERSON, IV, INDIVIDUALLY AND AS)
TRUSTEES OF THE BOSTON HILL REALTY)
TRUST)

NO: 04:08-CV-40106

DEFENDANT COMMERCE BANK & TRUST COMPANY'S MOTION TO DISMISS

Pursuant to F. R. Civ. P. 12(b)(6) the Defendant Commerce Bank & Trust Company moves this Court to dismiss the above entitled action with prejudice for the reason that the Plaintiffs' Complaint shows on its face that the cause of action is barred by the four year Statute of Limitations in 18 U.S.C. § 1962, as well as the relevant Massachusetts Statute of Limitations dealing with actions brought on the basis of contract or tort.

A memorandum in support of this motion is submitted herewith.

COMMERCE BANK & TRUST COMPANY,
By its attorney

/s/James D. O'Brien, Jr.

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